

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEMARIA L. WYNN  
as Guardian for Duane L. Wallace, a protected individual,  
and  
DUANE L. WALLACE, a protected individual,

Plaintiffs,

-vs-

Case No. 06-10534  
HON. AVERN COHN

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION IN LIMINE  
TO EXCLUDE STATEMENTS AND WRITINGS BY DOROTHY WALLACE,  
A NON-PARTY, TO THE SOCIAL SECURITY ADMINISTRATION  
AND THE FAMILY INDEPENDENT AGENCY [ETC.] (DOC. 67)<sup>1</sup>**

This is an attendant care case under Michigan's No Fault Act. The jurisdiction of the Court is based on diversity. Plaintiff has filed a motion styled Motion in Limine to Exclude Statements and Writings by Dorothy Wallace, a Non-Party, to the Social Security Administration and the Family Independent Agency as Being Inadmissible Hearsay and More Prejudicial than Probative (doc. 67).

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<sup>1</sup> The Court reminds the parties that in the Sixth Circuit, a ruling on a motion in limine is advisory only. United States v. Yannott, 42 F.3d 999, 1007 (6th Cir. 1994). To preserve for appeal any issue relating to this decision, a party must raise the question at trial and obtain a final decision from the Court. See United States v. Luce, 713 F.2d 1236, 1239-40 (6th Cir. 1983).

For the reasons stated on the record at a hearing on March 30, 2009, the motion is DENIED. The Court will go question by question at trial. Defendant shall not mention the statements or writings in its opening.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: March 30, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 30, 2009, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160